

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAROL GOREY, *on behalf of herself*  
*and all others similarly situated,*

Plaintiff,

vs.

MANHEIM SERVICES CORPORATION,  
*et al.,*

Defendants.  
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CASE NO. 7:10-CV-1132

OPINION & ORDER  
[Resolving Doc. Nos. 225; 232]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On October 6, 2011, this Court preliminarily approved the parties' proposed Stipulation of Class Settlement and Release. On December 27, 2011, Plaintiff Carol Gorey moved for final approval of the Class Settlement and Release and award of attorneys' fees. [Doc. 225.] Pursuant to Local Rule 72.1, the matter was referred to Magistrate Judge Lisa Smith for a fairness hearing and for preparation of a Report and Recommendation. On February 3, 2012, Magistrate Judge Smith issued a Report and Recommendation recommending that this Court grant the Plaintiff's motion. [Doc. 232.]

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. 28 U.S.C. § 636(b)(1)(C). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; Fed. R. Civ. P. 72(b)(2). Failure to object within this time waives a

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party's right to appeal the district court's judgment. *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *Wesolek v. Canadair Ltd.*, 838 F.2d 55, 58 (2d Cir. 1988). Absent objection, a district court may adopt the magistrate judge's report without review. *See Thomas*, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, and the Plaintiff's motion, the Court agrees with the recommendation of Magistrate Judge Smith that the Court should grant Plaintiff's Motion for Final Approval of the Class Action Settlement and For Award of Attorneys' Fees.

Accordingly, the Court ADOPTS in whole Magistrate Judge Smith's Report and Recommendation and incorporates it fully herein by reference, and GRANTS Plaintiff Gorey's Motion for Final Approval of the Class Action Settlement and For Award of Attorneys' Fees.

IT IS SO ORDERED.

Dated: March 6, 2012

  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE